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ATTORNEYS FOR DEFENDANT
SAFEWAY INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

O OLIVE OIL, LLC, an Illinois limited
liability company,

Plaintiff,

v.

SAFEWAY, INC. a Delaware corporation
and DOES 1 through 10, inclusive,

Defendant.

Case No. C 06-1672 CRB

**STIPULATION OF DISMISSAL WITH
PREJUDICE**

[Fed. R. Civ. P. Rule 41(a)(1)]

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and the parties' Settlement Agreement dated December 1, 2006, plaintiff OLIVE OIL, LLC and defendant SAFEWAY, INC. hereby stipulate as follows:

1. Plaintiff's complaint is dismissed with prejudice.

2. Each party shall bear its own costs and attorneys' fees in connection with this action.

DATED: December 8, 2006

SHARTSIS FRIESE LLP

By: /s/ James P. Martin

JAMES P. MARTIN

Attorneys for Plaintiff
O OLIVE OIL, LLC

DATED: December ____, 2006

PILLSBURY WINTHROP SHAW PITTMAN
LLP

By: _____

CHRISTOPHER R. BALL

Attorneys for Defendant
SAFEWAY INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated December 12 2006

The Honorable Charles R. Breyer
Judge of the United States District Court

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